

**Agenda Item: Zoning Petition 2021-738, Meadows at Matthews Change in Zoning Conditions to use the flexible design standards available in the R-VS zoning district to allow for a six-foot-tall fence in the front yard setback.**

**TO:** Matthews Board of Commissioners  
**DATE:** October 5, 2021  
**FROM:** Robert Will, Senior Planner

**Background/Issue**

- The applicant requests to use the flexible design standards available in the R-VS zoning district to allow for a six-foot-tall fence in the front yard setback.
- Notice of Violation issued for 105, 109 and 133 Matthews Township Parkway for having a six-foot fence in the front yard setback (fences are permitted in the front yard but only up to 4 feet).
- The three owners applied for variances for each lot to allow for a six-foot fence in the front yard setback. At their meeting on December 3, 2020 the Board of Adjustment denied variances for each lot.
- The three owners were informed that another possible solution was to pursue a text amendment, and subsequently worked with staff to bring forward a narrowly crafted amendment that would impact around 30 properties along Matthews Township Parkway.
- At the public hearing for the text amendment, The Board brought up the possibility of applying the flexible design standards available in the R-VS zoning district in order to tailor the request for a six-foot fence in the front yard setback to these seven properties.
- Upon investigation of the UDO, staff determined that fences and walls are specifically permitted to be adjusted per the flexible design standards, and the correct procedure would be a zoning change of conditions.
- Applicants submitted the paperwork for a change in zoning conditions to allow a six-foot fence in the front yard setback for the seven lots in the Meadows at Matthews.

**Proposal/Solution:**

No changes have been proposed since the public hearing, however at the Planning Board meeting it was brought up that the fences should be consistent and not have a variety of styles.

**Recommended Motion/Action**

Approve zoning Application 2020-738 to use the flexible design standards available in the R-VS zoning district to allow for a six-foot-tall fence in the front yard setback.

*Board of Commissioners*

**APPROVED**

October 11, 2021

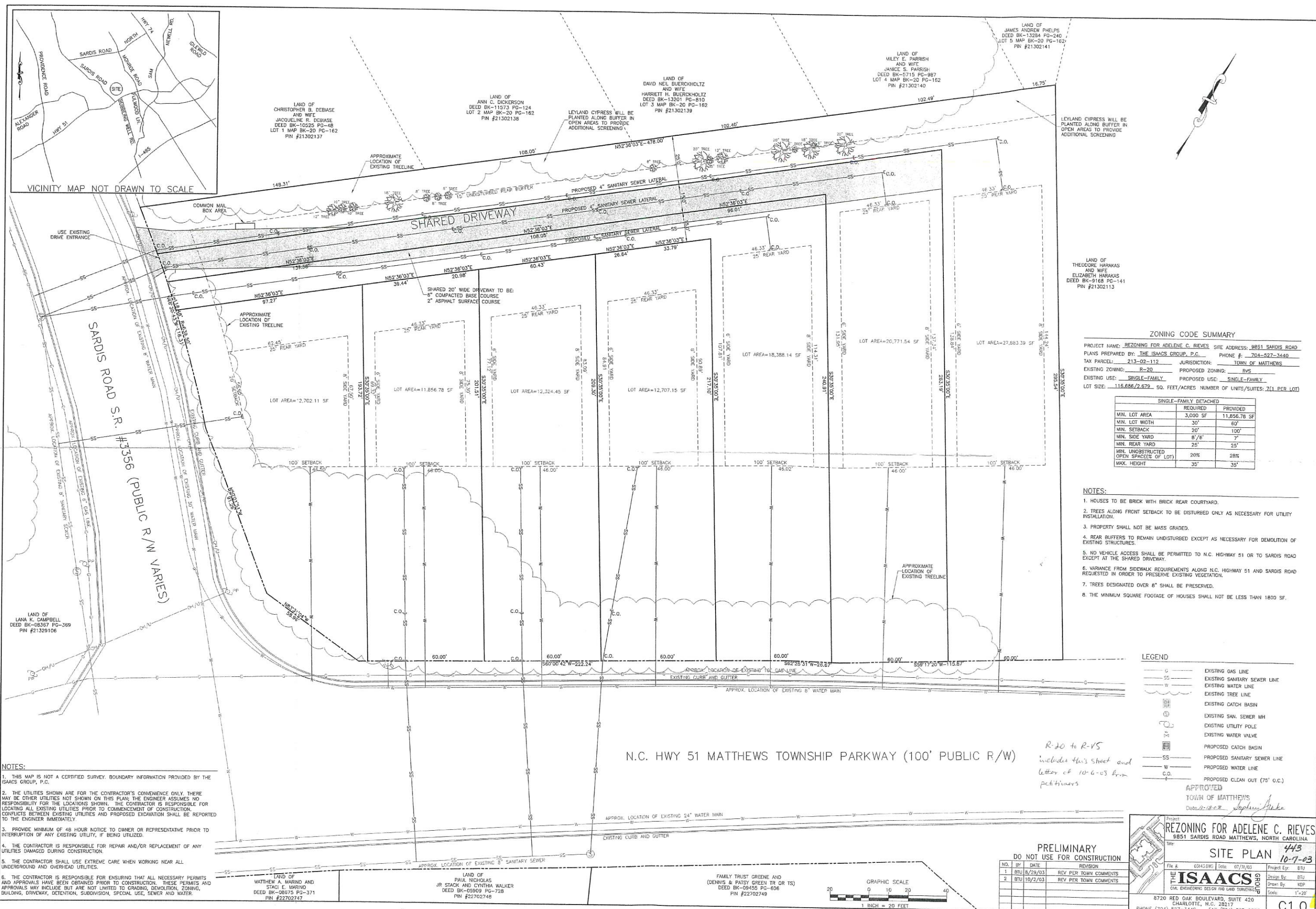
*Lori Canapino*

*Lori Canapino, Town Clerk*

*R-VS Change  
of Conditions*

[www.matthewsnc.gov](http://www.matthewsnc.gov)





**ZONING CODE SUMMARY**

PROJECT NAME: REZONING FOR ADELENE C. RIEVES SITE ADDRESS: 9851 SARDIS ROAD  
PLANS PREPARED BY: THE ISAACS GROUP, P.C. PHONE #: 704-527-3440  
TAX PARCEL: 213-02-112 JURISDICTION: TOWN OF MATTHEWS  
EXISTING ZONING: R-20 PROPOSED ZONING: RVS  
EXISTING USE: SINGLE-FAMILY PROPOSED USE: SINGLE-FAMILY  
LOT SIZE: 116,686/2,679 SQ. FEET/ACRES NUMBER OF UNITS/SUITS: 7/1 PER LOT

SINGLE-FAMILY DETACHED		
	REQUIRED	PROVIDED
MIN. LOT AREA	3,000 SF	11,656.78 SF
MIN. LOT WIDTH	30'	60'
MIN. SETBACK	20'	100'
MIN. SIDE YARD	8' 6"	7'
MIN. REAR YARD	25'	25'
MIN. UNOBSTRUCTED OPEN SPACE (% OF LOT)	20%	28%
MAX. HEIGHT	35'	35'

- NOTES:**
- HOUSES TO BE BRICK WITH BRICK REAR COURTYARD.
  - TREES ALONG FRONT SETBACK TO BE DISTURBED ONLY AS NECESSARY FOR UTILITY INSTALLATION.
  - PROPERTY SHALL NOT BE MASS GRADED.
  - REAR BUFFERS TO REMAIN UNDISTURBED EXCEPT AS NECESSARY FOR DEMOLITION OF EXISTING STRUCTURES.
  - NO VEHICLE ACCESS SHALL BE PERMITTED TO N.C. HIGHWAY 51 OR TO SARDIS ROAD EXCEPT AT THE SHARED DRIVEWAY.
  - VARIANCE FROM SIDEWALK REQUIREMENTS ALONG N.C. HIGHWAY 51 AND SARDIS ROAD REQUESTED IN ORDER TO PRESERVE EXISTING VEGETATION.
  - TREES DESIGNATED OVER 8" SHALL BE PRESERVED.
  - THE MINIMUM SQUARE FOOTAGE OF HOUSES SHALL NOT BE LESS THAN 1800 SF.

- LEGEND**
- G — EXISTING GAS LINE
  - SS — EXISTING SANITARY SEWER LINE
  - W — EXISTING WATER LINE
  - T — EXISTING TREE LINE
  - CB — EXISTING CATCH BASIN
  - SMH — EXISTING SAN. SEWER MH
  - UP — EXISTING UTILITY POLE
  - V — EXISTING WATER VALVE
  - CB — PROPOSED CATCH BASIN
  - SS — PROPOSED SANITARY SEWER LINE
  - W — PROPOSED WATER LINE
  - C.O. — PROPOSED CLEAN OUT (75' O.C.)

- NOTES:**
- THIS MAP IS NOT A CERTIFIED SURVEY. BOUNDARY INFORMATION PROVIDED BY THE ISAACS GROUP, P.C.
  - THE UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THIS PLAN; THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONFLICTS BETWEEN EXISTING UTILITIES AND PROPOSED EXCAVATION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
  - PROVIDE MINIMUM OF 48 HOUR NOTICE TO OWNER OR REPRESENTATIVE PRIOR TO INTERRUPTION OF ANY EXISTING UTILITY, IF BEING UTILIZED.
  - THE CONTRACTOR IS RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY UTILITIES DAMAGED DURING CONSTRUCTION.
  - THE CONTRACTOR SHALL USE EXTREME CARE WHEN WORKING NEAR ALL UNDERGROUND AND OVERHEAD UTILITIES.
  - THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION. THESE PERMITS AND APPROVALS MAY INCLUDE BUT ARE NOT LIMITED TO GRADING, DEMOLITION, ZONING, BUILDING, DRIVEWAY, DETENTION, SUBDIVISION, SPECIAL USE, SEWER AND WATER.

**PRELIMINARY DO NOT USE FOR CONSTRUCTION**

NO.	BY	DATE	REVISION
1	BTU	8/29/03	REV PER TOWN COMMENTS
2	BTU	10/2/03	REV PER TOWN COMMENTS

**REZONING FOR ADELENE C. RIEVES**  
9851 SARDIS ROAD MATTHEWS, NORTH CAROLINA

**ISAACS GROUP**  
7820 RED OAK BOULEVARD, SUITE 420  
CHARLOTTE, N.C. 28217  
PHONE (704) 527-3440 FAX (704) 527-8335

**PROJECT EGR: BTU**  
**DESIGN BY: BTU**  
**DRAWN BY: WDP**  
**SCALE: 1"=20'**

**DATE: 10-7-03**

**C1.0**

Change of RVS Flexible design for 6 ft fence in front yard setback

2021-738

10-11-21